

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

APR 17 2015

David J. Bradley, Clerk

United States of America
v.
Noel PENA YOB 1985 - USC
Hector SALINAS Jr. : YOB 1993- USCCase No. *M-15-0611-M**Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 9-17, 2015 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:*Code Section*Title 21, USC, Sections 841(a)(1);
841(b)(1)(A); and 846.*Offense Description*did knowingly and intentionally conspire to possess with intent to distribute
with persons known and unknown approximately 10 kilograms of cocaine, a
Schedule I controlled substance

This criminal complaint is based on these facts:

Before the United States Magistrate Judge, Southern District of Texas, I, J. Brandon Wargo, Special Agent, Homeland
Security Investigations, being duly sworn, depose and say the following:

See Attachment A

☒ Continued on the attached sheet.*[Signature]*
4/17/15*[Signature]*

Complainant's signature

J. Brandon Wargo, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 04/17/2015*[Signature]*

Judge's signature

City and state: McAllen, TexasDorina Ramos, U.S. Magistrate Judge
Printed name and title

Attachment A

On April 9, 2015, an undercover HSI agent (UC) met with Hector SALINAS-Hinojosa to discuss a drug transaction. The UC was introduced as a drug smuggler who needed assistance in "ripping" or stealing the majority of a ten (10) kilogram cocaine load the UC was currently holding for the drug cartels. The UC met with SALINAS at a parking lot of Walmart in Rio Grande City, Texas where they both discussed the "rip operation." SALINAS stated that a HIDTA Task Force office was going to charge the UC \$10,000 in exchange for seizing one kilogram of cocaine in a staged law enforcement operation at a staged "stash house." (Noel PENA was later identified as the aforementioned task force officer.) The UC was asked to provide the location of the "stash house". The plan was to "tip off" PENA of the location where PENA would then stage a law enforcement operation. PENA, according to SALINAS, had agreed provide the UC a fake law enforcement seizure report to justify the loss of the ten kilograms of cocaine to the owner(s) of the cocaine in Mexico. SALINAS then departed the meeting and met with PENA at the Starr County Hospital. Shortly thereafter, SALINAS came back to the parking lot of the same Walmart and informed the UC that PENA needed to meet with the UC at a local cemetery in Rio Grande City, Texas.

During the late evening hours of April 9, 2015, SALINAS, UC, and PENA met at the local cemetery where PENA was introduced directly to the UC by SALINAS. PENA questioned the UC about who the UC worked for and how often they moved cocaine. UC informed PENA that he was from the McAllen, Texas area but was smuggling large of amounts of cocaine through Starr County and needed his assistance in providing fake reports and "ripping" a load. SALINAS informed the UC, while discussing the deal with PENA, that the UC would need to leave behind two kilograms of cocaine and not one as previously discussed between SALINAS and the UC.

On April 10, 2015, SALINAS contacted the UC to review the plan to 'rip' the cocaine and obtain the report from PENA. PENA participated in the call via speaker phone as he was with SALINAS during the call. SALINAS confirmed the 'fake' police report the following week after the staged seizure of cocaine on "Wednesday".

On April 11, 2015, HSI and DEA Agents obtained an undercover home located in Garceno, Texas, and left two (2) kilograms of cocaine inside a parked undercover vehicle at the residence. PENA would initially locate the cocaine in the vehicle before obtaining a state search warrant for the vehicle. PENA, and other members of the Starr County HIDTA team, would seize the cocaine and the vehicle per the state search warrant. The cocaine bundles were transported to the Starr County HIDTA evidence vault.

After the "seizure" by PENA, the UC informed SALINAS that he would not provide the cocaine or the \$5,000 payment pending the fake police reports from PENA. SALINAS was under the belief that upon the completion of the "rip" operation, SALINAS would be splitting the eight (8) kilograms of cocaine with the UC.

On April 15, 2015, at approximately 6:00 p.m., SALINAS sent the UC a text message containing a sample police report. The sample report was a burglary of habitation report from the Roma Police Department. SALINAS told the UC this is the style and type of report he would receive documenting the seizure of the 10 kilograms of cocaine. Afterwards, SALINAS and the UC talked on the telephone to confirm that the UC had received the sample report, that sample report appeared to be sufficient for the UC, and that the actual report provided would include reference to 10 kilograms of cocaine allegedly seized and a reference to "Starr County". SALINAS informed the UC once he received the actual report SALINAS would contact the UC to set up a meeting.

On April 17, 2015, at approximately 4:30 p.m., SALINAS sent via text message a picture with the copy to the report to be provided. The photo showed a picture of a fake report setting for the seizure of 10 kilograms of cocaine on April 11, 2015 and that the report was from "Office of District Attorney". The report had printed across the top "DEPARMENT H.I.D.T.A." and "Incident". In a second picture sent to the UC from SALINAS at approximately 4:52 p.m., agents could observe the address for the "Office of District Attorney" listed as "502 N. Britton Avenue, Rio Grande City, Texas 78582." After these text messages, SALINAS and UC exchange a series of calls and to set up a meeting at Wal-Mart in Rio Grande City, Texas.

On April 17, 2015, SALINAS and the UC met at approximately 2:20 p.m. During the meeting, the UC paid SALINAS \$5,000 for the fake report.

On April 17, 2015, agents met with SALINAS and he was read his Miranda rights by HSI / DEA Agents and he stated he understood his rights. SALINAS further stated he wished to make a statement and cooperate with Agents without the presence of an attorney. SALINAS stated that there was an agreement between himself and PENA to conduct a "rip" of the cocaine load that was provided by the UC. SALINAS stated he was paid \$5,000 by the UC as a down payment for the "rip." SALINAS stated after receiving the payment he provided PENA with \$2,500. SALINAS stated he was then alerted by PENA that this may be an undercover law enforcement operation and became scared. SALINAS stated that PENA then wanted to have nothing to do with the "rip." SALINAS stated even though PENA told him he no longer wanted to participate he later provided him with the state search warrant to provide to the UC as evidence the load was taken down by law enforcement agents. SALINAS stated the report was providing on or about

April 15, 2015. SALINAS stated PENA told him he still owes him \$7,500 for his work in seizing the narcotics, even though he was not going to provide the final report for the full 10 kilograms of cocaine.